

NOTICE OF OBJECTION TO CONFIRMATION

POLICE AND FIREMEN'S RETIREMENT SYSTEM BOARD OF TRUSTEES BY ITS ADMINISTRATIVE AGENT NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before 05/06/2020, you or your attorney must:

1. File with the Court an answer, explaining your position at:

**Clerk
U.S. Bankruptcy Court
402 E. State Street
Trenton, NJ 08608**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103

Albert Russo, Trustee
Standing Chapter 13 Trustee, CN 4853
Trenton, NJ 08650-4853

2. Attend the hearing scheduled to be held on 05/13/2020 in the TRENTON Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court
402 E. State Street
Trenton, NJ 08608**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: April 16, 2020

/s/ Andrew Spivack
Andrew Spivack, Esq.
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
Tel: 856-813-5500 Ext. 31566
Fax: 856-813-5501
Email: andrew.spivack@phelanhallinan.com

File No. 837460

Phelan Hallinan Diamond & Jones, PC

1617 JFK Boulevard

Philadelphia, PA 19103

856-813-5500

FAX Number 856-813-5501

POLICE AND FIREMEN'S RETIREMENT SYSTEM BOARD OF TRUSTEES BY ITS
ADMINISTRATIVE AGENT NEW JERSEY HOUSING AND MORTGAGE FINANCE
AGENCY

In Re:

CHRISTOPHER J. EBERT

Debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON VICINAGE

Chapter 13

Case No. 20-14020 - MBK

Hearing Date: 05/13/2020

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, POLICE AND FIREMEN'S RETIREMENT SYSTEM BOARD OF TRUSTEES BY ITS ADMINISTRATIVE AGENT NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY, the holder of a Mortgage on Debtor's residence located at 235 WALTER HORNER COURT, OCEAN TOWNSHIP, NJ 08758 hereby objects to the Confirmation of the Debtor's proposed Chapter 13 Plan on the following grounds:

1. Movant is in the process of drafting and filing a Proof of Claim. The approximate arrears are \$82,126.71.
2. Debtor's Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
3. Debtor's Plan currently provides for payment to Movant in the amount of \$82,000.00.
4. Movant objects to Debtor's Plan as it is underfunded. Debtor's Plan should be amended to fully fund the arrears owed to Movant.
5. Debtor's Plan also fails to provide for the correct current on-going, post-petition regular monthly mortgage payment amount. The current monthly mortgage payment is \$2,135.03.

Movant objects to any amount less than 100% of what is required under the terms of the loan documents.

6. Debtor's Plan should be amended to indicate the correct post-petition monthly payment amount as of the first post-petition payment date owed to Movant.
7. Based on the foregoing, confirmation of Debtor's Plan should be denied.

WHEREFORE, POLICE AND FIREMEN'S RETIREMENT SYSTEM BOARD OF TRUSTEES BY ITS ADMINISTRATIVE AGENT NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY respectfully requests that the Confirmation of Debtor's Plan be denied.

/s/ Andrew Spivack
Andrew Spivack, Esq.
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
Tel: 856-813-5500 Ext. 31566
Fax: 856-813-5501
Email: andrew.spivack@phelanhallinan.com

Dated: April 16, 2020

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

837460
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
856-813-5500
Attorneys for POLICE AND FIREMEN'S RETIREMENT
SYSTEM BOARD OF TRUSTEES BY ITS
ADMINISTRATIVE AGENT NEW JERSEY HOUSING
AND MORTGAGE FINANCE AGENCY

In Re:

Christopher J. Ebert

Case No: 20-14020 - MBK

Hearing Date: 05/13/2020

Judge: MICHAEL B KAPLAN

Chapter: 13

CERTIFICATION OF SERVICE

1. I, Jason Seidman:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents POLICE AND FIREMEN'S RETIREMENT SYSTEM BOARD OF TRUSTEES BY ITS ADMINISTRATIVE AGENT NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On April 16, 2020 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: April 16, 2020

/s/ Jason Seidman
Jason Seidman

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Christopher J. Ebert 235 Walter Horner Court, Ocean Township, NJ 08758	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Cathleen A. Ebert 235 Walter Horner Court, Ocean Township, NJ 08758	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Warren D. Levy, Esquire 1000 Maplewood Drive Suite 202 Maple Shade, NJ 08052	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Albert Russo, Trustee Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650	Trustee	<input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail

		<input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
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* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.